

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MYRNA I. RIVERA,

PLAINTIFF,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

DEFENDANT.

CASE NO. 4:16-cv-2316

JUDGE SARA LIOI

**ORDER OF DISMISSAL**

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 15.) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [ . . . ]

28 U.S.C. § 636(b)(1).

The R&R was filed on April 11, 2017. Under Fed.R.Civ.P. 6(d), an additional three days are added when computing service, making objections due April 28, 2017, which fell on a Friday.

No objections were filed on or before that deadline. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The R&R notes that plaintiff failed to file her brief in this matter despite being given a *sua sponte* extension of time to do so and despite being issued a warning that her case could be dismissed for failure to prosecute. It appears that plaintiff has abandoned her case.

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, this case is dismissed without prejudice for failure to comply with court orders and for failure to prosecute.

**IT IS SO ORDERED.**

Dated: May 2, 2017

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**